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SENATE BILL 2984 By  
Gilbert

HOUSE BILL 3063  
By Odom

AN ACT to enact the "Voluntary Pollution Reduction and Prevention  
Act of 1998".

WHEREAS, pollution reduction and prevention are laudable goals for the protection of  
this state's environmental resources which will directly benefit the citizens, industries, and  
businesses of Tennessee; and

WHEREAS, economically healthy businesses keep people working and produce  
competitively priced goods and services; and

WHEREAS, businesses which engage in pollution reduction and prevention activities  
may save resources while protecting their employees, communities and environment; and

WHEREAS, chemical substances play a key role in the production of goods and  
services which contribute to the high standard of living in Tennessee; and

WHEREAS, chemicals when released into the environment have the potential to be toxic  
or hazardous, yet when properly used are essential in the production of goods and services;  
and

WHEREAS, voluntary pollution reduction and prevention offer an effective approach to  
integrating the use of chemical substances with the necessity to reduce the risks to human  
health and the environment; and

WHEREAS, voluntary pollution reduction and prevention have resulted in measurable  
reductions in potential toxic or hazardous substances; and

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WHEREAS, while mandated pollution reduction and prevention have inherent incentives, industry and business should have both internal and external incentives to apply their technological and problem-solving capabilities to voluntary pollution reduction and prevention; and

WHEREAS, opportunities for voluntary pollution reduction and prevention are not fully realized because existing environmental statutes do not adequately encourage such pollution reduction and prevention practices and fail to emphasize comprehensive, multimedia management; and

WHEREAS, the general assembly recognizes that it is essential for Tennessee-produced goods and services to remain competitive with those produced in other states; and

WHEREAS, the general assembly recognizes that a healthy business climate in Tennessee includes environmental laws and statutes that are effective and firm in protecting human health and environment yet flexible to accommodate dynamic business markets; and

WHEREAS, the general assembly also recognizes that regulatory and economic incentives may aid employers in making their manufacturing process environmentally sound; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known, and may be cited, as the "Voluntary Pollution Reduction and Prevention Act of 1998".

SECTION 2. The department of environment and conservation hereinafter "the department" shall prepare a report on an annual basis for the general assembly and the state's regulatory boards which shall include the following:

(1) A method for measuring pollution reduction and prevention progress which includes, but is not limited to, considering reductions in environmental impact, reductions in volumes and releases, and other factors.

(2) A baseline for measuring progress, to be developed with the input of the state regulatory boards.

(3) A review of regulations and statutes that might benefit from changes which allow the implementation of alternative regulatory compliance plans which could achieve greater pollution reduction and prevention. This review should also consider the effect of such changes on the effectiveness of such regulation or statute on the protection of human health and the environment.

SECTION 3. To provide technical assistance, the department shall:

(1) Ensure that voluntary pollution reduction and prevention activity is coordinated with the department's Small Business Assistance Program, established pursuant to the federal Clean Air Act Amendments of 1990, and the waste minimization requirements of the federal Hazardous and Solid Waste Amendments of 1984.

(2) Continue and, as necessary, increase the activities of the department's pollution prevention division to:

(A) improve the transfer of pollution reduction and prevention technologies;

(B) participate in pollution reduction and prevention education and training for the citizen's businesses, and industries of Tennessee;

(C) co-sponsor pollution prevention and reduction conferences, workshops, seminars, and meetings of professional and trade associations;

(D) publicize pollution reduction and prevention success stories; and

(E) investigate, develop and adopt additional pollution reduction and prevention incentives.

(3) Proprietary information obtained by the department during visits to provide on-site technical assistance is confidential unless the confidentiality is waived by the party requesting the assistance.

SECTION 4. A facility regulated by the department, which is in substantial compliance with department rules, may propose voluntary facility-specific pollution reduction and prevention goals which will reduce the impact of releases and transfers of substances of concern beyond that required by law. Upon the department's voluntary acceptance of these goals, the facility shall be eligible for regulatory incentives authorized by this act. The department shall evaluate voluntary pollution reduction and prevention regulator incentives and adopt appropriate rules for implementation subject to federal restrictions or standards. These incentives shall be evaluated for all department regulatory programs. To the extent practicable, incentives awarded by the department shall be proportional to the level of pollution reduction and prevention to be achieved. To the extent feasible, incentives shall not be awarded by the department until a facility has demonstrated reasonable progress in meeting its pollution reduction or prevention commitment. The incentives may include, but shall not be limited to:

- (1) Public recognition of a facility for voluntary pollution reduction and prevention;
- (2) Accelerated review and processing of a facility's application for permits, permit renewals, or permit modifications;
- (3) Permitting flexibility for implementing pollution reduction and prevention projects, or expanding manufacturing capacity unrelated to permit renewals;
- (4) Access to an agency ombudsman for assistance in facilitating departmental permitting matters;
- (5) Coordinated and consolidated multimedia permitting to promote pollution reduction and prevention and resolve inconsistent requirements within regulatory structure;
- (6) Extended permit terms up to fifty percent (50%) of the time otherwise provided for in department rules or statutes;

(7) Reduced permit monitoring or reporting requirements for those substances of concern that are subject to the voluntary agreement; and

(8) Single environmental permit in lieu of separate permits for various media.

SECTION 5. To the extent practicable for voluntarily submitted pollution reduction and prevention plans with which the agency concurs, the department shall:

(1) Expedite processing of applicable permit applications and permit modifications;

(2) Cooperate with requests for variances or adjusted standards; and

(3) Provide technical assistance to avoid or eliminate compliance problems resulting from the implementation of the pollution reduction and prevention plan.

SECTION 6. Before the department accepts a facility's voluntary goal and authorizes incentives, the facility must present:

(1) A description of the pollution reduction and prevention measure to be implemented and how it will impact the releases of substances of concern.

(2) An evaluation of potential reductions in releases by comparing the amount currently released to the releases expected to result from the implementation of the pollution reduction and prevention measure, to provide a measurable expectation of anticipated reductions in releases.

(3) Prior to final agreement, the department shall provide an opportunity to receive written comments from the public on a facility's proposed voluntary pollution reduction and prevention goal. Additionally, facilities are encouraged to seek public comment on their proposed voluntary pollution reduction and prevention goals.

SECTION 7. The department shall notify the department of economic and community development of the acceptance of a facility's pollution prevention and goals and the authorized incentives.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.